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7 Counsel for Defendants
8 RYDEX SERIES FUNDS; PADCO
9 ADVISORS INC. d/b/a RYDEX
10 INVESTMENTS, INC.; RYDEX
DISTRIBUTORS, INC.; NICK BONOS;
MICHAEL P. BYRUM; RICHARD M.
GOLDMAN; and CARL G.
VERBONCOEUR

Counsel for Defendants
JOHN O. DEMARET; COREY A.
COLEHOUR; J. KENNETH DALTON;
WERNER E. KELLER; THOMAS F.
LYDON; PATRICK T. MCCARVILLE;
and ROGER SOMERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAMES RAFTON, TRUSTEE OF THE
JAMES AND CYNTHIA RAFTON TRUST,

Plaintiff,

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1 RYDEX SERIES FUNDS; PADCO
2 ADVISORS INC. d/b/a RYDEX
3 INVESTMENTS, INC.; RYDEX
4 DISTRIBUTORS, INC.; RICHARD M.
5 GOLDMAN; CARL G. VERBONCOEUR;
6 JOHN O. DEMARET; NICK BONOS;
7 MICHAEL P. BYRUM; COREY A.
8 COLEHOUR; J. KENNETH DALTON;
9 WERNER E. KELLER; THOMAS F.
10 LYDON; PATRICK T. MCCARVILLE;
11 ROGER SOMERS; and DOES 1 through 25,
12 inclusive.

Defendants.

Case No. 10cv1171 CRB

Action filed: March 19, 2010

**STIPULATION AND [PROPOSED]
ORDER FOR EXTENSION OF TIME
AND RESCHEDULING OF INITIAL
CASE MANAGEMENT
CONFERENCE
(N.D. Cal. Civ. L.R. 6-2 and 7-12)**

Dept: Courtroom 8, 19th Floor
Judge: Hon. Charles R. Breyer

1 WHEREAS, plaintiff, through his counsel, filed a purported class action complaint (the
2 “Complaint”), against Rydex Series Funds, PADCO Advisors Inc. d/b/a Rydex Investments, Inc.,
3 Rydex Distributors, Inc., Michael P. Byrum, Richard M. Goldman, Carl G. Verboncoeur, John O.
4 Demaret, Nick Bonos, Corey A. Colehour, J. Kenneth Dalton, Werner E. Keller, Thomas F.
5 Lydon, Patrick T. McCarville, and Roger Somers (collectively, “Defendants”) in the above-
6 referenced matter on or about March 19, 2010;

7 WHEREAS, pursuant to the Case Management Conference Order, the Initial Case
8 Management Conference is scheduled for June 25, 2010;

9 WHEREAS, the Complaint asserts claims under the federal securities laws that are subject
10 to the procedural requirements of the Private Securities Litigation Reform Act (“PSLRA”) and
11 Defendants presently intend to file motions to dismiss, which would trigger a stay of discovery
12 under the PSLRA;

13 WHEREAS, plaintiff and his counsel in this action have yet to file any motions for
14 Appointment of Lead Plaintiff and Lead Counsel pursuant to the PSLRA, including Section 27 of
15 the Securities Act of 1933, 15 U.S.C. § 77z-1;

16 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort
17 by the parties to this action and the Court prior to the filing of motion(s) for appointment as Lead
18 Plaintiff, the parties to this action have agreed, in the interim prior to the appointment of Lead
19 Plaintiff and subject to the Court’s approval, to a continuance of the Initial Case Management
20 Conference and an extension of time for Defendants to respond to the Complaint or any
21 superseding Complaint; and

22 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,
23 arguments or defenses otherwise available to the parties to this action, including, but not limited
24 to, any challenge to the assertion of personal jurisdiction over one or more of the Defendants and
25 the right to revisit the timing of the below-referenced pleadings and motions once Lead Counsel
26 is designated by the Court.

27 NOW, THEREFORE, the undersigned parties, by and through their counsel of record,
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1 stipulate as follows:

- 2 1. Defendants shall have no obligation to respond to the individual Complaint filed in
3 the above-captioned action;
- 4 2. Lead Plaintiff shall have forty five (45) days after entry of the order appointing
5 Lead Plaintiff to file a consolidated amended complaint ("Consolidated Amended
6 Complaint") or to notify Defendants that they shall be proceeding on the original
7 complaint;
- 8 3. Defendants shall file and serve any answer(s) or motion(s) to dismiss within forty
9 five (45) days of service of the Consolidated Amended Complaint or after
10 notification by the Lead Plaintiff that they shall be proceeding on the original
11 complaint;
- 12 4. Defendants agree to waive service of process to the extent that service has not
13 been effected on all Defendants. This stipulation shall not be deemed to waive any
14 defense other than as to sufficiency of service of process.
- 15 5. The Initial Case Management Conference, currently scheduled for June 25, 2010,
16 shall be adjourned to a date to be re-scheduled by the Court, but which shall be no
17 earlier than after Defendants have filed and served their initial responsive
18 pleadings with respect to the Consolidated Amended Complaint.

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1 Dated: April 30, 2010

Respectfully submitted,

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3 SPARER LAW GROUP
4 ALAN W. SPARER
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Counsel for Named Plaintiff
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24 WERNER E. KELLER; THOMAS F.
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and ROGER SOMERS

25 PURSUANT TO STIPULATION, IT IS SO ORDERED:

26 DATED: _____
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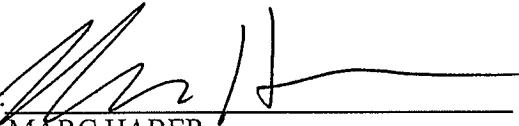
HONORABLE CHARLES R. BREYER

1 Dated: April 30, 2010

Respectfully submitted,

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and ROGER SOMERS

26 PURSUANT TO STIPULATION, IT IS SO ORDERED:
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DATED: May 3, 2010

HONORABLE CHARLES R. BREYER

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STIP. RE EXT. OF TIME & INITIAL CASE MGM'T CON

